UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,321	01/04/2002	Orell Dror	ORELL2	2018

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EXAMINER
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ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 September 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-32* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-32* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-32 are pending.

Priority

The effective date of the subject matter in the claims in this application is

January 4, 2002.

Oath/Declaration

The declaration submitted under 37 CFR 132 is defective. A new oath or

declaration in compliance with 37 CFR 1.67(a) identifying this application by

application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because the signature of applicant named Orell Dror is missing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chang et al. (US Patent 6848004), hereinafter referred to as Chang.

The applied reference has a common assignee with the instant

application. Based upon the earlier effective U.S. filing date of the reference, it

constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C.

102(e) might be overcome either by a showing under 37 CFR 1.132 that any

invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an

appropriate showing under 37 CFR 1.131.

Chang discloses the following features of the invention as described in the

Claims shown below.

1. A method for media streaming, comprising: (Column 3 Lines 10-20, Column 5

Lines 5-10) receiving a request from a client to a server via a network in

accordance with a Hypertext Transfer Protocol (HTTP) to stream a media file of a

given type; (Column 7 Lines 1-10) passing the request to a servlet running in

conjunction with the server; (Column 8 Lines 55-65) parsing the request using

the servlet to identify elements of the media file to be transferred to the client;

(Column 9 Lines 1-15) and streaming the identified elements from the server to

the client as a HTTP response. (Column 4 Lines 20-25, Column 4 Lines 50-60)

2. A method according to claim 1, wherein parsing the request comprises

determining a processing action to be applied to the elements of the media file,

(Column 6 Lines 20-55) and wherein streaming the identified elements comprises

applying the processing action to the elements.

3. A method according to claim 2, wherein parsing the request comprises

determining a parameter applicable to the processing action, and (Column 6

Lines 5-20, Column 9 Lines 25-40) wherein applying the processing action

comprises processing the elements of the media file responsive to the

parameter. (Column 6 Lines 20-55, Column 9 Lines 40-65)

4. A method according to claim 3, wherein determining the parameter comprises

determining a limitation on a media playing capability of the client, (Figure 3,

Column 7 Lines 55-65, Column 8 Lines 10-35) and wherein the processing action

comprises modifying the identified elements in response to the limitation.

(Column 9 Lines 40-65, Column 10 Lines 35-60)

5. A method according to claim 4, wherein determining the limitation comprises

identifying a network bandwidth, and wherein modifying the identified elements in response to the limitation comprises altering the elements responsive to the network bandwidth. (Column 10 Lines 35-60)

6. A method according to claim 4, wherein determining the limitation comprises determining a resource level provided by the client, (Column 9 Lines 40-65) and wherein modifying the identified elements comprises selecting the identified elements responsive to the resource level. (Column 10 Lines 35-60)

7. A method according to claim 2, wherein applying the processing action comprises transcoding at least one of the elements of the media file into a desired media format. (Column 3 Lines 40-50, Column 4 Lines 50-60, Column 6 Lines 20-55)

8. A method according to claim 1, wherein receiving the request comprises receiving a request for a certain portion of the media file, and wherein parsing the request comprises selecting the elements of the media file to be transferred responsive to the request. (Column 6 Lines 20-55)

9. A method according to claim 8, wherein the elements of the media file comprise an ordered sequence of frames, and wherein selecting the elements comprises selecting a segment within the sequence. (Column 6 Lines 20-65)

10. A method according to claim 8, wherein the elements of the media file comprises a plurality of media tracks temporally juxtaposed in parallel, and wherein selecting the elements comprises selecting, one or more of the tracks. (.Column 6 Lines 40-65)

11. Apparatus for media streaming, comprising a server which is arranged to receive a request from a client via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream a media file of a given type, (Column 3 Lines 10-20, Column 5 Lines 5-10, Column 7 Lines 1-10) and which is further arranged to run a servlet and to pass the request to the servlet, (Column 8 Lines 55-65) to parse the request using the servlet to identify elements of the media file to be transferred to the client, (Column 9 Lines 1-15) and to steam the identified elements from the server to the client as a HTTP response. (Column 4 Lines 20-25, Column 4 Lines 50-60)

12. Apparatus according to claim 11, wherein the server is arranged to use the servlet to parse the request so as to determine a processing action to be applied to the elements of the media file, and to apply the processing action to the elements. (Column 6 Lines 20-55)

13. Apparatus according to claim 12, wherein the server is arranged to use the servlet to determine a parameter applicable to the processing action, and to

apply the processing action based on the parameter. (Column 6 Lines 5-20, Column 9 Lines 25-40)

14. Apparatus according to claim 13, wherein the parameter is indicative of a limitation on a media playing capability of the client, (Figure 3, Column 7 Lines 55-65, Column 8 Lines 10-35) and wherein the server is arranged to apply the processing action so as to modify the identified elements in response to the limitation. (Column 9 Lines 40-65, Column 10 Lines 35-60)

15. Apparatus according to claim 14, wherein the limitation applies to a network bandwidth, and wherein the server is arranged to use the servlet to modify the identified elements in response to the network bandwidth. (Column 10 Lines 35-60)

16. Apparatus according to claim 14, wherein the limitation applies to a resource level provided by the client, and wherein the server is arranged to use the servlet to select the identified elements in response to the resource level. (Column 9 Lines 40-65, Column 10 Lines 35-60)

17. A method according to claim 13, wherein the processing action comprises transcoding at least one of the elements of the media file into a desired media format. (Column 3 Lines 40-50, Column 4 Lines 50-60, Column 6 Lines 20-55)

18. Apparatus according to claim 11, wherein the request is for a certain portion

of the media file, and wherein the server is arranged to use the servlet to parse

the request so as to select the elements of the media file to be transferred

responsive to the request. (Column 6 Lines 20-55)

19. Apparatus according to claim 18, wherein the elements of the media file

comprise an ordered sequence of frames, and wherein the server is arranged to

use the servlet to select a segment within the sequence responsive to the

request. (Column 6 Lines 20-65)

20. Apparatus according to claim 18, wherein the elements of the media file

comprises a plurality of media tracks temporally juxtaposed in parallel, and

wherein the server is arranged to use the servlet to select one or more of the

tracks responsive to the request. (Column 6 Lines 40-65)

21. Apparatus according to claim 11, wherein the server comprises a cluster of

servers, arranged so that the HTTP request is handled by one of the servers in

the cluster, and the servlet is run on a different one of the servers in the cluster.

(Figure 1, Items 20 and 30, Column 4 Lines 10-25)

22. A computer software product for media streaming, comprising a computer-

readable medium in which program instructions are stored, which instructions,

when read by a computer, (Column 3 Lines 10-20, Column 5 Lines 5-10) cause

the computer to receive a request from a client via a network in accordance with

a Hypertext Transfer Protocol (HTTP) to stream a media file of a given type, and

which instructions further cause the computer to run a servlet and to pass the

request to the servlet, (Column 7 Lines 1-10, Column 8 Lines 55-65) to parse the

request using the servlet to identify elements of the media file to be transferred to

the client, (Column 9 Lines 1-15) and to steam the identified elements from the

server to the client as a HTTP response. (Column 4 Lines 20-25, Column 4 Lines

50-60)

23. A product according to claim 22, wherein the instructions cause the computer

to use the servlet to parse the request so as to determine a processing action to

be applied to the elements of the media file, and to stream the identified

elements by applying the processing action to the elements. (Column 6 Lines 20-

55)

24. A product according to claim 23, wherein the instructions cause the computer

to use the servlet to determine a parameter applicable to the processing action,

(Column 6 Lines 5-20, Column 9 Lines 25-40) and to apply the processing action

based on the parameter. (Column 6 Lines 20-55)

25. A product according to claim 24, wherein the parameter is indicative of a

limitation on a media playing capability of the client, (figure 3 Column 7 Lines 55-

65, Column 8 Lines 10-35) and wherein the instructions cause the computer to apply the processing action so as to modify the identified elements in response to the limitation. (Column 9 Lines 40-65, Column 10 Lines 35-60)

26. A product according to claim 25, wherein the limitation applies to a network bandwidth, and wherein the instructions cause the computer to use the servlet to modify the identified elements in response to the network bandwidth. (Column 10 Lines 35-60)

27. A product according to claim 25, wherein the limitation applies to a resource level provided by the client, (Column 9 Lines 40-65) and wherein the instructions cause the computer to use the servlet to select the identified elements in response to the resource level. (Column 10 Lines 35-60)

28. A product according to claim 24, wherein the processing action comprises transcoding at least one of the elements of the media file into a desired media format. (Column 3 Lines 40-50, Column 4 Lines 50-60, Column 6 Lines 20-55)

29. A product according to claim 22, wherein the request is for a certain portion of the media file, and wherein the instructions cause the computer to use the servlet to parse the request so as to select the elements of the media file to be transferred responsive to the request. (Column 6 Lines 20-55)

30. A product according to claim 29, wherein the elements of the media file

comprise an ordered sequence of frames, and wherein the instructions cause the

computer to use the servlet to select a segment within the sequence responsive

to the request. (Column 6 Lines 20-55)

31. A product according to claim 29, wherein the elements of the media file

comprises a plurality of media tracks temporally juxtaposed in parallel, and

wherein the instructions cause the computer to use the servlet to select one or

more of the tracks. (Column 6 Lines 20-55)

32. A product according to claim 22, wherein the servlet comprises a subset of

the instructions, and the subset of the instructions comprises instructions written

in a platform-independent, object-oriented computer language. (Column 3 Lines

40-50, Column 4 Lines 50-60, Column 6 Lines 20-55)

Response to Arguments

Applicant's arguments filed 09/15/2005 have been fully considered but

they are not persuasive.

The a1 declaration under 37 CFR 1.132 filed 09/15/2005 is insufficient to overcome the rejection of claims 1-32 based upon 35 U.S.C. 102(e). as set forth in the last Office action. The e1 has determined said affidavit was not properly executed and did not present sufficient evidence to overcome the rejection under 35 U.S.C. 102(e).

The affidavit was not properly executed because the declaration was not signed by all the applicants. Specifically, the signature of applicant Orell Dror is missing from said affidavit. The oath or declaration including any supplemental oath or declaration must be made and signed by all of the actual inventors.

The affidavit raises questions of inventorship. In Appendix B, which displays an email messages from Hagai Krupnik, the a1 claims to show evidence of meeting between the a1 and the IBM-Watson group, further supported by Appendix C, showing evidence of the IBM-Watson Group reviewing the proposal shown in Appendix A. However Hagai Krupnik is not associated with the instance application. Furthermore, Orell Dror is not included in the said email message displayed in Appendix B, and neither Dror nor Sivan is shown on Appendix C.

The affidavit contains Appendix A which the a1 claims to contain information that was presented by the a1 to the IBM-Watson group. While the title of the document shown in Appendix A is referenced in the email message by Krupnik, the a1 has not presented evidence of the IBM-Watson group actually accessing said document and the information contained in Appendix A.

The affidavit also fails to point out how the information in Appendix A is relevant to the claims in the instance application. The affidavit fails to map the claims according to the information presented in Appendix A.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.
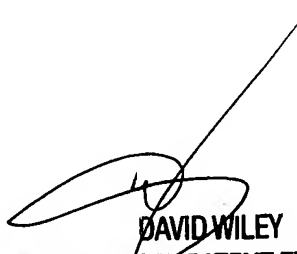
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571)272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/gcb

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